

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND )  
COMPOUNDING PHARMACY, INC. )  
PRODUCTS LIABILITY LITIGATION )  
This matter relates to: ) MDL No. 1:13-md-2419-FDS  
All Actions )  
)

**[PROPOSED] ORDER**

On April 11, 2014, Defendant Ameridose, LLC, filed its Motion to Proceed with FDA-Authorized Destruction of Recalled Inventory (Doc. 1090). Two parties, “the Tennessee Clinic Defendants” (Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John W. Culclasure, MD; Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC) and Unifirst Corporation, requested an opportunity to extend the response time to Ameridose’s motion.

In subsequent discussions, counsel for these two parties and Ameridose, along with the PSC, reached an agreement with regard to the destruction of Ameridose’s inventory of recalled “controlled substances.” In particular, Ameridose shall be permitted to destroy, according to the protocols approved by FDA, any “controlled substance” – drugs and other substances commonly referred to as DEA Schedules II, III, IV and V, and List One Chemicals, and which are listed in the schedules of controlled substances set forth in 21 USC § 811-814 and 21 CFR §1308 et seq. – in the recalled inventory.

On May 2, 2014, the Plaintiffs' Steering Committee filed its response (Doc. 1118) taking no formal position on the motion but reflecting its correct understanding that Ameridose sought to destroy only products made at locations other than 697 Waverly Street in Framingham, Massachusetts. In subsequent discussions between counsel for Ameridose and the PSC this understanding has been confirmed.

Given the reasons advanced, the original motion, the response of the PSC, and the agreement of the Tennessee Clinic Defendants and Unifirst Corporation reflected here, the Court hereby Orders that Ameridose is authorized to destroy any and all controlled substances, as described above, in the recalled inventory, and reserves for later decision the issue of destruction of the remaining recalled inventory. Nothing in this order shall permit any entity to destroy any recalled products that were produced at 697 Waverly Street in Framingham, Massachusetts.

**IT IS SO ORDERED.**

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JUDGE RYA W. ZOBEL

DATE: \_\_\_\_\_, 2014

**BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

**IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION**

**MDL No. 2419**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 20, 2014, Defendants [Proposed] Order was filed with the Court's CM/ECF filing system, thereby requested notice be issued to all parties at the email addresses listed below and mailed where there is no email address available:

Gladys G. Austin, Richard Blankenship, Cheryl Brogan, Kimberly Chitwood, Christopher Compton, Shirley Doyle, Renate Fariss, Nancy Goodfellow, Norma Hurley, Mabel Hutcherson, Arnold Moon, Roseanne Moon, Sharon Overstreet, Mary Radford, Audrey Ransome, Nosworthy Reid, Larry Hall, Frank Haranzo, Jr., Susanne Hastings, Jacob Helm, Stuart Katz, Melissa Marshall, John Marsinko, Jane McKeon, Angela Norman, Larry Rice, Deanna Smith, Stevie Thomas, Brenda Varley, Christine Wheeler William L. Neal,	Gregory Lee Lyons, Esq. Joanna Marie Meyer, Esq. John Palmer Fishwick, Jr. John Eric Lichtenstein, Esq. Monica Lynn Mroz, Esq. Lichtensteinfishwick, PLC PO Box 601 Roanoke, VA 24004-0601 Email: <a href="mailto:gll@vatrials.com">gll@vatrials.com</a> <a href="mailto:jmm@vatrials.com">jmm@vatrials.com</a> <a href="mailto:jp@vatrials.com">jp@vatrials.com</a> <a href="mailto:jel@vatrials.com">jel@vatrials.com</a> <a href="mailto:monica@vatrials.com">monica@vatrials.com</a>
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*/s/ Matthew P. Moriarty*  
*One of the Attorneys for Defendant Ameridose*  
*LLC*